

AMENDED IN ASSEMBLY MAY 16, 2005

AMENDED IN ASSEMBLY APRIL 28, 2005

AMENDED IN ASSEMBLY APRIL 12, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 938

Introduced by Assembly Member Umberg
(Coauthor: Assembly Member Leno)

February 18, 2005

An act to add Section 84204.5 to the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

AB 938, as amended, Umberg. Campaign expenditure disclosures.

Existing provisions of the Political Reform Act of 1974 require committees receiving or making contributions or expenditures above specified threshold amounts to report those contributions and expenditures, as well as other specified information, at times and places specified in the act. The act requires certain of these committees, by virtue of receiving or making contributions or expenditures above generally higher threshold amounts, to file the reports required by the act online or electronically. Existing law makes a violation of the act subject to administrative, civil, and criminal penalties.

This bill would require committees that receive contributions totaling more than \$1,000 in a calendar year and that are required under existing law to file online or electronically to also file a report online or electronically disclosing contributions or expenditures totaling \$10,000 or more to support or oppose the qualification or

passage of a single state ballot measure, and disclosing other specified information, within 10 business days of making the expenditure. The bill would specify that reports required by this provision are not required to be filed by a committee primarily formed to support or oppose the qualification or passage of a state ballot measure for expenditures made on behalf of the ballot measure or measures for which it is formed.

By adding to the duties of certain committees under the act, thereby expanding the application of the criminal sanctions in the act, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes with a $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements.

This bill, which would declare that it furthers the purposes of the act, would therefore require a $\frac{2}{3}$ vote.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 84204.5 is added to the Government
2 Code, to read:
3 84204.5. (a) In addition to any other report required by this
4 title, a committee pursuant to subdivision (a) of Section 82013
5 that is required to file reports pursuant to Section 84605 shall file
6 online or electronically with the Secretary of State each time *it*
7 *makes* contributions totaling ten thousand dollars (\$10,000) or
8 more or *each time it makes* independent expenditures totaling ten
9 thousand dollars (\$10,000) or more ~~are made~~ to support or
10 oppose the qualification or passage of a single state ballot
11 measure. The report shall be filed within 10 business days of
12 making the contributions or independent expenditures and shall
13 contain all of the following:

1 (1) The full name, street address, and identification number of
2 the committee.

3 (2) The number or letter of the measure if the measure has
4 qualified for the ballot and has been assigned a number or letter;
5 the title of the measure if the measure has not been assigned a
6 number or letter but has been issued a title by the Attorney
7 General; or the subject of the measure if the measure has not
8 been assigned a number or letter and has not been issued a title
9 by the Attorney General.

10 (3) In the case of a contribution, the date and amount of the
11 contribution and the name, address, and identification number of
12 the committee to whom the contribution was made. *In addition,*
13 *the report shall include the information required by paragraphs*
14 *(1) to (5), inclusive, of subdivision (f) of Section 84211,*
15 *regarding contributions or loans received from a person*
16 *described in that subdivision, covering the period from the day*
17 *after the closing date of the last campaign report filed to the date*
18 *of the contribution requiring a report under this section, or if the*
19 *committee has not previously filed a campaign statement,*
20 *covering the period from the previous January 1 to the date of*
21 *the contribution requiring a report under this section. No*
22 *information described in paragraphs (1) to (5), inclusive, of*
23 *subdivision (f) of Section 84211 that is required to be reported*
24 *pursuant to this subdivision is required to be reported in more*
25 *than one report provided for in this subdivision for each*
26 *contribution or loan received from a person described in*
27 *subdivision (f) of Section 84211.*

28 (4) In the case of an independent expenditure, the date,
29 amount, and a description of the goods or services for which the
30 expenditure was made. In addition the report shall include the
31 information required by paragraphs (1) to (5), inclusive, of
32 subdivision (f) of Section 84211 *regarding contributions or*
33 *loans received from a person described in that subdivision,*
34 covering the period from the day after the closing date of the last
35 campaign report filed to the date of the expenditure, or if the
36 committee has not previously filed a campaign statement,
37 covering the period from the previous January 1 to the date of the
38 expenditure. ~~No information required by paragraphs (1) to (5),~~
39 ~~inclusive, of subdivision (f) of Section 84211, that is required to~~
40 ~~be reported with an expenditure report by this subdivision, is~~

~~1 required to be reported on more than one expenditure report.~~
~~2 described in paragraphs (1) to (5), inclusive, of subdivision (f) of~~
~~3 Section 84211 that is required to be reported pursuant to this~~
~~4 subdivision is required to be reported in more than one report~~
~~5 provided for in this subdivision for each contribution or loan~~
~~6 received from a person described in subdivision (f) of Section~~
~~7 84211.~~

(b) Reports required by this section are not required to be filed
by a committee primarily formed to support or oppose the
qualification or passage of a state ballot measure for expenditures
made on behalf of the ballot measure or measures for which it is
formed.

SEC. 2. No reimbursement is required by this act pursuant to
Section 6 of Article XIII B of the California Constitution because
the only costs that may be incurred by a local agency or school
district will be incurred because this act creates a new crime or
infraction, eliminates a crime or infraction, or changes the
penalty for a crime or infraction, within the meaning of Section
17556 of the Government Code, or changes the definition of a
crime within the meaning of Section 6 of Article XIII B of the
California Constitution.

SEC. 3. The Legislature finds and declares that the provisions
of this act further the purposes of the Political Reform Act of
1974 within the meaning of subdivision (a) of Section 81012 of
the Government Code.